

August 9, 2005

Christopher J. Raymer  
[Address Redacted]  
San Luis Obispo, CA 93401

**Re: Your Request for Advice  
Our File No. A-05-146**

Dear Mr. Raymer:

This letter is in response to your request on behalf of Senator Abel Maldonado for advice regarding the campaign provisions of the Political Reform Act (the "Act").<sup>1</sup> Our assistance is based on the facts you provide. The Commission does not provide advice relating to past conduct. (Regs. 18329, subds. (b)(8)(A) and (C)(4)(A).) Also, please note that the Commission does not act as a finder of fact when it renders advice. (*In re Oglesby* (1975) 1 FPPC Ops. 71.)

### **QUESTIONS**

1. May Senator Maldonado raise funds into a 2008 reelection committee at the same time that he has open a 2006 committee for the office of State Controller?
2. May Senator Maldonado pay officeholder expenses incurred while currently in office out of funds raised into his 2008 reelection committee?

### **CONCLUSIONS**

1. and 2. Yes.

### **FACTS**

You are the treasurer for Senator Abel Maldonado. Senator Maldonado successfully won his bid for the 15<sup>th</sup> State Senate District in November 2004. A subsequent committee was opened for the re-election bid to take place in 2008 shortly

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<sup>1</sup> Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

after the 2004 November election. Since this time, a new committee has been opened for a statewide race for controller in 2006.

## ANALYSIS

### *Question Number 1.*

Your first question raises the issue of whether a candidate may simultaneously raise funds into two different committees established for future elections to two different offices – in this case, one for a 2008 Senate office and one for the 2006 State Controller office. Nothing in the Act precludes a candidate from having more than one future office committee open and active at the same time so long as the committees are established for different offices. Of course, each committee is subject to the respective contribution limits for that office, and all expenditures in regard to a given election to office must come from the committee designated for that office. Thus, Senator Maldonado may continue to accept contributions to his 2008 reelection committee.

### *Question Number 2.*

As we advised recently in the *Olson* Advice Letter, No. A-I-04-010, regulation 18525 addresses incumbent candidates' election expenses and officeholder expenses. Although regulation 18525 (copy enclosed) sets forth the kinds of expenditures that must be made from accounts for election to future office by incumbent elected officers, officeholder expenses are not expressly listed among them. Subdivision (b) of that regulation deals with expenditures not specifically listed, and states, in pertinent part:

“(b) An incumbent elected officer may make expenditures for purposes not enumerated in subdivision (a) from either the campaign bank account established pursuant to Government Code Section 85201 for election to the incumbent term of office or from a campaign bank account established pursuant to Government Code Section 85201 for election to a future term of office. This section shall not be construed to permit an incumbent elected officer to make expenditures from any campaign bank account for expenses other than those associated with his or her election to the specific office for which the account was established and expenses associated with holding that office.”

Thus, pursuant to regulation 18525, subdivision (b), Senator Maldonado may use his 2008 reelection account to pay for officeholder expenses associated with holding that office. (*See also, Hiltachk* Advice Letter, A-04-006; *Danner* Advice Letter, No. A-96-109.)<sup>2</sup>

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<sup>2</sup> Because the 2006 Controller committee is a committee for a different office, Senator Maldonado may not use funds from that committee to pay for expenses associated with holding his Senate office.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca  
General Counsel

By: C. Scott Tocher  
Senior Counsel, Legal Division

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